

REMARKS

A review of the claims indicates that:

A) Claims 1—37 and 45—50 remain in their original form.

B) Claims 38—44 are currently withdrawn.

In view of the following remarks, Applicant respectfully requests reconsideration of the restriction.

Election/Restriction

The claims are subjected to a restriction requirement under 35 U.S.C. §121 and are characterized by the Office as containing two patentably distinct inventions:

Group I, including Claims 1—37 and 45—50 drawn to a displaying the charge equivalent fuel cell, (class 320, subclass 132); and

Group II, including Claims 38—44 (class 429, subclass 12).

Applicant hereby elects, with traverse, to prosecute Group I, including claims 1—37 and 45—50 in the event that the restriction requirement is maintained. The election is made with traverse because Applicant respectfully requests that the Office reconsider the need to restrict at this point in the prosecution of the patent application.

M.P.E.P. § 803 states that an application may be properly restricted only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made

1 unless there is an undue burden on the Examiner to examine all of the claims in a
2 single application.

3 It would seem that substantial searching for the subject matter recited by all
4 claims 1—50 has already been performed. In fact, previously there have been four
5 non-final office actions. In the course of this substantial examination, the Patent
6 Office has had occasion to examine the application and all associated claims fully.
7 In view of the well-developed background that these four office actions have
8 provided in this area of the art, the Applicant submits that resolving the
9 allowability of all 50 claims would not impose a serious burden on the Patent
10 Office.

11 Accordingly, the Applicant requests removal of the Restriction
12 Requirement and examination of all of the claims, i.e., Claims 1—50.

13 **Conclusion**

14 The Applicant submits that the claims as presented are in condition for
15 allowance. Accordingly, the Applicant respectfully requests that a Notice of
16 Allowability be issued. If the Patent Office's next anticipated action is not the
17 issuance of a Notice of Allowability, the Applicant respectfully requests that the
18 undersigned attorney be contacted to schedule an interview.

19 Respectfully Submitted,

20
21
22 Dated: 13 June 2007

By: 

David S. Thompson

Reg. No. 37,954

Attorney for Applicant

LEE & HAYES PLLC
Suite 500
421 W. Riverside Avenue
Spokane, Washington 99201

Telephone: 509-324-9256 x235
Facsimile: (509) 323-8979

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25